IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2799 OF 2005

Shri.Manish Madhukar Bhaskare
& Ors. ..Applicants

Vs.

Rajiv Shashikant Sawant
& Ors. ..Respondents

...

Mr.Sachin V.Dhakephalkar Advocate for Applicants
Mr.Rajesh Datar for Respondent no.1
Mr.Rajesh More A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 30,2005

P.C.

1. Heard the learned advocate for the applicants, learned advocate for the respondent no.1-complainant and the learned A.P.P. for the State.

2. The applicants are seeking quashing of process issued by the learned Judicial Magistrate F.C.Thane in R.C.C.No.496 of 2004. In the said case process was issued against the applicants under Section 418

of IPC.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revision will be preferred on or before 4th November, 2005. I am informed that the date before the trial Court is 29.10.2005. In view of this statement, the trial Court shall not proceed with the proceedings on 29.10.2005 and upto 4.11.2005.

. The learned advocate for the respondent

no.1-complainant fairly states that no objection will be raised in respect of delay in filing the revision. However, he prays that two days' advance notice of filing revision may be given. The learned advocate for the applicants to give two days' advance notice of filing the revision to the complainant.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]